

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STEVE SNYDER-HILL, *et al.*,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:18-cv-00736-MHW-EPD

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

PLAINTIFFS' MOTION FOR ORAL ARGUMENT

Pursuant to United States District Court for the Southern District of Ohio Local Rule 7.1(b)(2), Plaintiffs hereby request an order permitting oral argument on Defendant The Ohio State University's ("OSU") Motion to Dismiss Plaintiffs' Second Amended Complaint (the "Motion to Dismiss" (Dkt. 128)). The grounds in support of this Motion are more fully set forth in the accompanying Memorandum in Support. Pursuant to S.D. Ohio Civ. R. 7.3, Plaintiffs consulted with Defendant regarding this request and its position is: "Ohio State believes the issues are straightforward and not complex and do not require oral argument under Local Rule 7.1(b)(2), but will respectfully defer to the Court's wishes."

August 7, 2020

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MEMORANDUM IN SUPPORT

Local Rule 7.01(b)(2) provides that “...if oral argument is deemed to be essential to the fair resolution of the case because of its public importance or the complexity of the factual or legal issues presented, counsel or a pro se party may apply to the Court for oral argument....” Here, there is ample reason to grant Plaintiffs’ request.

This case presents issues that are of great public importance. OSU is one of the largest public universities in the country. It receives and uses millions of dollars in public funds. OSU’s legal responsibility for enabling Dr. Strauss’s sexual abuse of hundreds of former OSU students and survivors over the span of two decades is of public import.

The Motion to Dismiss involves the factual allegations of 93 individual Plaintiffs who are among the hundreds of former OSU students and survivors whom Dr. Strauss sexually assaulted

and abused. Their allegations are embodied in a 371-page Second Amended Complaint with 2,597 paragraphs. The legal issues present the applicability of the federal accrual rule, state law tolling rules, and standing under Title IX. Plaintiffs have two separate bases, each supported by different caselaw, as to why their claims did not accrue until 2018 at the earliest, and a third basis for timeliness, namely equitable tolling. Additionally, Plaintiffs' opposition rebuts OSU's claims that four Plaintiffs lack standing. Indeed, the Court granted Plaintiffs' request to file an oversized brief after Plaintiff detailed the factual and legal issues presented by the case. *See* Dkt. 132.

In light of the great public interest and the numerous legal and factual issues, we request oral argument to respond to any queries the Court has.

Respectfully submitted,

August 7, 2020

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing document was filed and served, via the Court's CM/ECF system on August 7, 2020, on all counsel of record.

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